

**WHITEMARSH TOWNSHIP
OPEN SPACE COMMITTEE MEETING
VIRTUAL MEETING – ZOOM
WEDNESDAY, JULY 22nd, 2020 AT 7:00 PM**

1. CALL TO ORDER – 7:00PM

 X_BIDDLE X_INDELICATO

 X_KAUFMAN X_LANE X_MOULTON X_SHINN

BOS LIAISON: X_NESTER **TOWNSHIP STAFF:** X_BLOMSTROM
 X_LANNUTTI (MINUTES)

2. APPROVAL OF THE WEDNESDAY, JANUARY 22nd, 2020 MEETING MINUTES (APRIL MEETING CANCELLED DUE TO COVID-19)

- a. Chris Lane made a motion to approve the minutes, Joan Biddle seconded. The minutes were approved unanimously.

3. UPDATED OPEN SPACE COMMITTEE CONTACT LIST

- a. Steve Kaufman recognized and introduced Edmond Shinn, who is the newest member of the Open Space Committee. Edmond Shinn greeted the other committee members and shared a brief overview of his background and relevant experience with the group.
- b. Tom Blomstrom distributed an updated contact list for the members of the Open Space Committee.

4. ANNOUNCEMENT OF VACANCY ON OPEN SPACE COMMITTEE

- a. Tom Blomstrom noted that he checked, and there still is a vacancy on the Open Space Committee. He shared that, generally, vacancies are filled in the first quarter of any subsequent year, barring any emergency situations. Tom also mentioned that any individuals that are interested in serving on any Township committee can submit their application through the Township website, for review.
- b. Chris Lane inquired if there were any applicants currently under consideration for the vacant position, to which Tom Blomstrom responded that he was not aware of any. Laura Boyle-Nester interjected that the Township has received a few applications that listed open space as an area that they would be interested in being involved in. She mentioned that she will follow up with the individuals.

5. OPEN SPACE FUNDING REPORT

- a. Nathan Crittendon, Director of Finance for Whitemarsh Township, notified the committee that he was unable to attend the meeting, due to other commitments. The updated Open Space Funding Report, which is dated June 30th, 2020, can be found in the meeting packet. Tom Blomstrom mentioned that, in the event there are any questions relating to the report, he can submit them to Nate for review and response.
- b. Steve Kaufman asked Laura Boyle-Nester if the committee should discuss the status of its request to include language in the 2019 audit indicating that the Township has the discretion to use the maintenance fund for acquisition of open Space, or if they should wait until Nate was

present. Laura shared that she spoke with Rick Mellor and Nate Crittendon, and they are adding the proposed language to the Management's Discussion and Analysis section of the audit.

- i. Chris Lane clarified that the committee wanted to ensure that the language would allow for money reserved for maintenance to be flexible enough to be used for purchases, if that is what the Township wanted to do. Laura confirmed that the language being included will allow for this.
 - ii. Steve Kaufman stated that he would make a second request to Nate Crittendon to have the "Act 153 Maintenance Funds could be used for Purchase" language, added to Page 3 of the Open Space Funding Report: Supplemental Information Form.
- c. Steve Kaufman noted that the Open Space Debt Outstanding Principal, as of 6/30/2020, has not changed since the January report. He assumed that this was attributable to the timing of the 2020 debt service payment.

6. COMPREHENSIVE PLAN UPDATE MEMORANDUM

a. STEPS NEEDED TO IMPLEMENT RECOMMENDATIONS

- i. The Committee reviewed a memo from Chris Lane summarizing the status of OSC's recommendations regarding the Comprehensive Plan. Our recommendation that efforts to purchase or "ease" properties should be tracked was not included in the draft Plan. He asked Tom Blomstrom if this could be pursued as an administrative matter. Tom has created an Excel document that will be used to track these instances for the Township record.
- ii. The Open Space Committee accepted the memorandum regarding the status of the Plan from the Township Director of Planning & Zoning, Charlie Guttenplan.

b. CONCERNS OF THE OPEN SPACE COMMITTEE

- i. Chris Lane noted that since the Township is reluctant to hire a consultant or dedicated individual to help find open space opportunities, a shift in approach may be needed. Chris then referenced an idea that Hugh Moulton & Ed Shinn had for the Open Space Committee to create a mechanism that would motivate real estate agents, estate planning advisors, attorneys and similar professionals in the Township to try and find opportunities for the Township. A memo describing the idea was distributed to the Committee with the advance materials.

c. DISCUSSION OF PROPOSAL TO ENCOURAGE LOCAL PROFESSIONALS TO IDENTIFY OPEN SPACE OPPORTUNITIES

- i. Chris Lane introduced the proposal to the committee and asked for their feedback. The idea would be that, if an agent brings a deal to the Township that ultimately gets completed, the agent would be a dual-disclosed agent and would be secured a pre-determined percentage of the transaction, normally 2.5% - 3%.
 1. Chris Indelicato asked about the origin of the proposal, and if it has been successful elsewhere. Edmond Shinn shared that the idea came to mind after he heard Chris Lane talk about the idea of adding language to the Comprehensive Plan about bringing on a dedicated consultant for this task. Ed mentioned that, in his opinion, this method had not been

successful in the past because there was no system in place to incentivize professionals to disclose privately held information to the Township, such as land that may be available. He continued that the goal of the proposed idea is to help the Township be proactive in its search for available land, by incentivizing professionals to bring their land owner clients to the table with the Township.

2. Chris Lane asked about possibly putting a cap on the commission total, as 3% of a large deal would be a large amount of money. Edmond cautioned against capping the commission amount as it would act as a deterrent for clients to bring available spaces to the Township, since they would be able to earn higher commissions elsewhere.
3. Tom Blomstrom updated the committee on the feedback their proposal memo received from the Township Solicitor. Tom shared that the Solicitor opined that paying a commission would not be classified as an allowable "incidental" expense as defined by Act 153. According to Tom, the Township Solicitor also noted that he was not able to locate any case law on this issue that would set a precedent.

d.

- i. After some additional discussion on the topic, Laura Boyle Nester and Tom Blomstrom suggested inviting a member(s) of other conservation organizations, such as National Lands, or PA Lands Trust Association, to attend a future meeting to provide their feedback and insight on the outreach process and grant funding availability. Edmond Shinn also suggested that the committee take a look at how National Lands operates, as well as other large affluent organizations that utilize Act 153 funds.
- ii. A discussion focused around the order of operations for developers that approach the Township with a project, was started by Edmond Shinn. Ed was interested in the idea of having prospective developers meet with relevant Township boards and/or committees, like the Open Space Committee, early on in their process, to provide the opportunity for feedback & discussion that could benefit both parties.
 1. Laura Boyle Nester noted that Charlie Guttenplan, as well as the Township Manager, communicate with, and provide feedback to, developers that approach the Township. Tom Blomstrom also mentioned that the Municipalities Planning Code may limit the possibility of changes being made to the order of operations.
 2. Laura Boyle Nester suggested that the Open Space Committee ask Charlie Guttenplan to attend the committee's next meeting to provide some guidance on this topic. Tom Blomstrom stated that he would reach out to Charlie to make this request on behalf of the committee.
- iii. Steve Kaufman suggested that the Committee outline the "next steps" for the proposal. It identified the following action items, in regards to the proposal:
 1. Developing a position paper that goes into more depth supporting why the committee believes these transaction fees would be eligible under Act 153. This would include information on how other organizations, like Wissahickon Trails and Natural Lands Trust, acquire land.
 2. Joan Biddle suggested that the committee form an Outreach Sub-Committee, responsible for reaching out to other professional organizations to learn how they operate in similar situations. Chris Lane and Joan Biddle were appointed to this sub-committee.

3. Steve Kaufman suggested that the committee form an Act 153 Review Sub-Committee, responsible for developing the position paper. Steve Kaufman, Chris Lane, and Edmond Shinn were appointed to this sub-committee.
- iv. Steve Kaufman posed the idea of calling a “special meeting” in mid-September, specifically to discuss the Act 153 Proposal, but was unsure if approval from the Township was required. Tom Blomstrom stated that he would follow up with the Township Manager & let him know.

7. UPDATE ON HIGHLANDS MANSION

- a. Edmond Shinn reported that they are waiting on Mary Jo Daley to introduce the legislation. Ed mentioned that this will not happen until after the Board of Supervisors votes to conditionally approve the purchase.
- b. Laura Boyle Nester noted that the Bill that is to be presented to the legislature does not have the Reverter Clause in it, which she feels is a deal-breaker, since the Township would not be protected without it.
- c. Edmond Shinn shared that, as he understands it, the legislation will not be put forward without including the Reverter Clause. Ed also highlighted the importance of the Board of Supervisors keeping the process moving, and not let it stall, as the stars are aligned with the right people to make it happen at this time.

8. AGENDA RESOURCE ATTACHMENTS FROM JANUARY MEETING

- a. This item was approved as part of the January 22nd, 2020 Minutes.

9. PUBLIC COMMENT PERIOD

- a. No public comments were made.

10. BOARD MEMBER COMMENTS

- a. No additional comments were made.

11. ADJOURNMENT

- a. Chris Lane made a motion to adjourn the meeting, Edmond Shinn seconded the motion, and the meeting was adjourned unanimously at 8:32PM.